

REMARKS

In response to the non-final Office Action dated July 7, 2010, Applicants sincerely request reconsideration in view of the above claim amendments and the following remarks. Claims 1-12 and 14-20 were presented for examination. Claims 1-12 and 14-20 are rejected. Claims 1, 3-9, 11, 12, 14, 15, and 17-20 have been amended for the purpose of clarity. Claim 2 is canceled without prejudice. Claims 21-23 are new. Claims 1, 3-12, and 14-23 are currently pending in the application. No new matter has been added.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejects claims 1-12 and 14-20 under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant respectfully traverses the rejections of these claims under 35 U.S.C. § 112, second paragraph.

Claims 4 and 5

The Office Action asserts that the word “may” in claims 4 and 5 makes it unclear whether these claims recite optional functional limitations. Applicant has amended claims 4 and 5 to remove the word “may.” It is therefore clear that the limitations are not optional. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 4 and 5 under 35 U.S.C. § 112, second paragraph.

Claim 1

The Office Action asserts that there is insufficient antecedent basis in claim 1 for the elements “the modeling of anesthesia procedures,” “said sensors,” “the type of surgical action and/or therapy,” “the type of drugs, tools, and theoretical models.” Applicant submits that the amendments to claim 1 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

Claim 3

The Office Action asserts that there is insufficient antecedent basis in claim 3 for the elements “the control” and “the same program.” Applicant submits that the amendments to

claim 3 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 3 under 35 U.S.C. § 112, second paragraph.

Claim 5

The Office Action asserts that there is insufficient antecedent basis in claim 5 for the elements “the person in charge” and “the level of desired assistance.” Applicant submits that the amendments to claim 5 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 5 under 35 U.S.C. § 112, second paragraph.

Claim 7

The Office Action asserts that there is insufficient antecedent basis in claim 7 for the element “the trigger.” Applicant submits that the amendments to claim 7 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 7 under 35 U.S.C. § 112, second paragraph.

Claim 9

The Office Action asserts that there is insufficient antecedent basis in claim 9 for the element “the group.” Applicant submits that the amendments to claim 9 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 9 under 35 U.S.C. § 112, second paragraph.

Claim 11

The Office Action asserts that there is insufficient antecedent basis in claim 11 for the element “the drug state model.” Applicant submits that the amendments to claim 11 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 11 under 35 U.S.C. § 112, second paragraph.

Claim 15

The Office Action asserts that there is insufficient antecedent basis in claim 15 for the elements “the reliability,” “the quality,” and “the deviation.” Applicant submits that the

amendments to claim 15 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 15 under 35 U.S.C. § 112, second paragraph.

Claim 18

The Office Action asserts that there is insufficient antecedent basis in claim 18 for the element “the drug state model.” Applicant submits that the amendments to claim 18 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 18 under 35 U.S.C. § 112, second paragraph.

Claims 19 and 20

The Office Action asserts that there is insufficient antecedent basis in claims 19 and 20 for the element “the step.” Applicant submits that the amendments to claims 19 and 20 resolve this issue. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 19 and 20 under 35 U.S.C. § 112, second paragraph.

Claims 6, 8, 10, 12, 16, and 17

The Office Action rejects claims 6, 8, 10, 12, 16, and 17 under 35 U.S.C. § 112, second paragraph, as being dependent on a rejected under 35 U.S.C. § 112, second paragraph. For at least the reasons provided above, the rejections under 35 U.S.C. § 112, second paragraph, of the parents of claims 6, 8, 10, 12, 16 and 17 should be withdrawn. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 6, 8, 10, 12, 16, and 17 under 35 U.S.C. § 112, second paragraph.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1, 3-12, and 14-18

The Office Action rejects claims 1, 3-12, and 14-18 under 35 U.S.C. § 102(b) as being anticipated by Ford et al., U.S. 20020077852 (hereinafter, “Ford”). Applicant traverses the rejection of these claims for at least the following reasons.

Claim 1 recites “a system for computer-aided intravenous delivery of a drug to a patient during a whole duration of an anesthetic procedure on a patient.” Ford does not discuss anesthesia or an anesthetic procedure on a patient. Therefore, Ford does not teach or suggest “a

system of computer-aided intravenous delivery of a drug to a patient during a whole duration of an anesthetic procedure on the patient,” as recited by claim 1. Furthermore, the claimed subject matter can advantageously assist an anesthetist to monitor parameters of a patient because a modification in haemodynamic and respiratory parameters may require an immediate therapeutic action to prevent possible detrimental events. Because Ford does not discuss anesthesia or an anesthetic procedure, Ford does not provide such an advantage.

Among other elements, claim 1 recites “a knowledge base that stores a set of written procedures to steer intravenous delivery of drugs, the written procedures adapted to types of surgical actions, physical conditions of patients, types of drugs, tools used to administer the drugs, and theoretical models of the drugs, the set of written procedures including at least a first procedure and a second procedure.” Support for this element of claim 1 is found throughout the Specification. For example, paragraph 30 of the Specification provides support for this element.

Ford does not teach such a knowledge base. Ford discusses a “customized drug library for an electronically loadable drug infusion pump.” Ford, para. 18. However, there is nothing in Ford to suggest that the “customized drug library” stores “a set of written procedures to steer intravenous delivery of drugs, the written procedures adapted to types of surgical actions, physical conditions of patients, types of drugs, tools used to administer the drugs, and theoretical models of the drugs,” as recited by claim 1. Therefore, the “customized drug library” of Ford does not teach the “knowledge base” of claim 1.

Furthermore, claim 1 recites “a sensor coupled to the patient, the sensor generating a signal that reflects a health condition or status of the patient.” Ford discusses “sensors.” For example, paragraph 75 of Ford provides that “the full collection of sensors 52 includes: a syringe barrel detector, a syringe barrel diameter sensor, a syringe barrel flange detector, a plunger position sensor, a strain gauge, two Hall effect sensors and a mercury switch.” Nothing in Ford suggests that any of these sensors are coupled to a patient or generate signals that reflect a health condition or status of the patient. Because none of the sensors of Ford are “coupled to the patient” or generate “a signal that reflects a health condition or status of the patient,” the “sensors” of Ford do not teach the “sensor” of claim 1.

Because Ford does not teach each element of claim 1, Ford does not anticipate claim 1. Claims 3-12 and 14-18 depend from claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 1, 3-12 and 14-18 under 35 U.S.C. § 102(b).

Claims 19 and 20

The Office Action rejects claims 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by Ford. Applicant traverses the rejection of claims 19 and 20 for at least the following reasons. Claim 19 recites “a method for intravenous anesthesia which comprises a step of obtaining an intravenous delivery of a drug to a patient by the system of claim 1.” Claim 20 recites “a method for the treatment of cancer which comprises a step of obtaining an intravenous delivery of a drug to a patient by the system of claim 1.” As described above, Ford does not teach each element of claim 1. Therefore, Ford does not teach each element of claims 19 and 20. Because Ford does not teach each element of claims 19 and 20, Ford does not anticipate claims 19 and 20. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 19 and 20 under 35 U.S.C. § 102(b).

New claims

Applicants have added new claims 21-23. Ford does not anticipate claims 21-23. Claims 21-23 do not add new matter. Support for claims 21-23 is found throughout the Specification. For example, support for claim 21 is found at paragraph 37 of the Specification. Support for claim 22 is found at paragraph 56 of the Specification. Support for claim 23 is found at paragraph 65 of the Specification. Accordingly, Applicant respectfully requests allowance of claims 21-23.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that the claimed subject matter is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims. The Examiner is encouraged to contact the undersigned with any questions regarding this application.

The Office Action may contain arguments and rejections that are not directly addressed by this Amendment and Response because they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment and Response to directly

address an argument raised in the Office Action should not be taken as an indication that the Applicants believe the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the references of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of these papers or to credit any overpayment to Deposit Account No. 13-2725.

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